

Sen. Joe Balyeat, Chairman
Senate Business & Labor Committee
Sent via email 2/7/2011

BUSINESS & LABOR
EXHIBIT NO. 3
DATE 2-8-11
BILL NO. SB 250

Dear Chairman Balyeat,

As the testimony at the hearing on SB 250 dramatized, the bill was prompted by a truly tragic turn of events. While I deeply sympathize with the family members who testified, I question how a mandated camera outside the establishment would have made a difference. Even if it had been pointing in the direction the person took when leaving, the testimony stated that there were at least several turns and changes of direction between the exit of the business and the spot where he was ultimately found. I'm not sure how any camera system could have aided in following that path, unless there were such cameras on multiple businesses, homes, and street corners in all directions.

That said, it is still not a bad idea for *any* kind of business to put up cameras outside their enterprise, for a variety of reasons, not the least of which is to aid law enforcement if a crime is committed in the immediate proximity. In fact, many types of businesses, including bars and taverns, already do have such cameras.

However, mandating exterior cameras for all businesses that serve alcohol on their premises would not only be an overreach, but also would be discriminatory towards one type of business, and for that reason possibly not even legal. Would similar mandates apply to pharmacies, hotels, banks, convenience stores, and all other manner of businesses that are occasionally victimized by crime (not to mention applying to stop lights)? I think the answer is obvious that the cost, burden, and impracticality of such mandates outweigh the occasional productive effect.

Given that a number of businesses I represent have already installed cameras, at their choosing, and found them beneficial for a variety of purposes, I do intend to go out of my way to use my position as their legal and legislative counsel to encourage more of these businesses to look into the implementation of such systems. Although I do not think it would have made a difference either in the final heartbreaking outcome of the East Helena episode, or even helped find the young man any sooner, the testimony that law enforcement gave at that hearing as to the benefits of such a system to businesses was indeed persuasive. I intend to not only editorialize to that end in our trade paper, but also invite the Sheriff and other law enforcement officials to come to various meetings around the state and make their recommendations personally to my members encouraging them to give serious consideration to the installation of these devices.

No thoughtful, sensitive person could be anything but distraught over the testimony that was given at the hearing, as I was, and clearly everyone in the room. I commend the family for the courage to tell their story. While I respectfully disagree with the legislative proposition that was presented, I do admire their willingness to bring forth an idea such as they did, through the very able advocacy of Sen. Kaufmann.

Sincerely,

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for the Montana Tavern Association

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